

Docket Item #14
SPECIAL USE PERMIT #2005-0077

Planning Commission Meeting
October 4, 2005

ISSUE: Consideration of a request for a special use permit to operate a convenience store in a residential building.

APPLICANT: Potomac Club Residences, LP

LOCATION: 1201 Braddock Place

ZONE: OCH/Office Commercial High

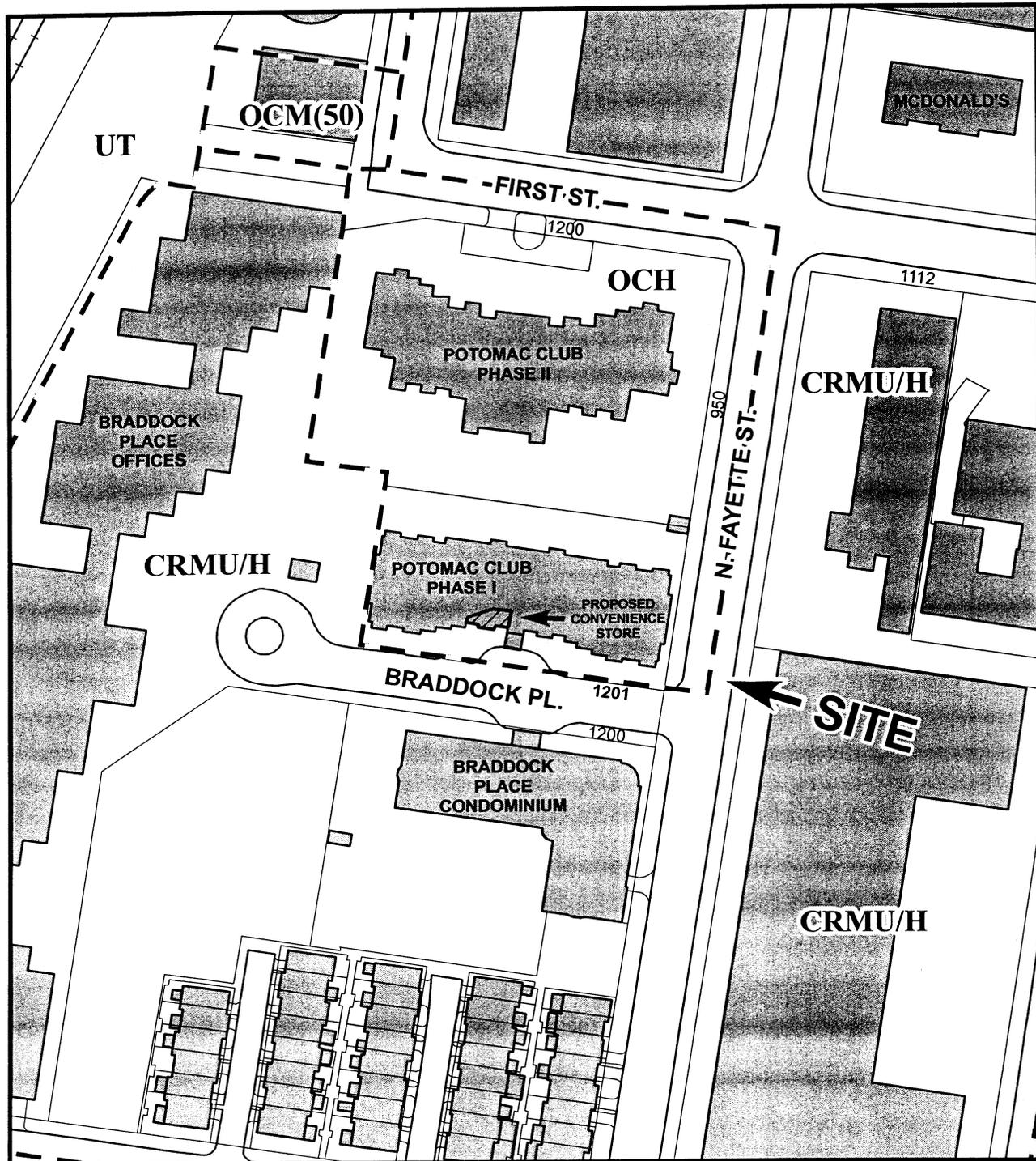
PLANNING COMMISSION ACTION, OCTOBER 4, 2005: On a motion by Mr. Leibach, seconded by Mr. Jennings, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and the added condition #17. The motion carried on a vote of 6 to 0. Ms. Fossum was absent.

Reason: The Planning Commission did not object to the convenience store, but was concerned about the impact of alcohol sales on the community. The Planning Commission felt that these concerns would be addressed if access to the convenience store was from inside the building only.

Speakers:

Greg Ladislaw, resident at Meridian at Braddock Place, spoke in opposition to the application stating that the convenience store will have a negative impact on the neighborhood due to the sales of alcohol. Mr. Ladislaw reported crime statistics within the neighborhood related to alcohol offenses for the former 7-11 store on the 900 block of N. Columbus pre- and post-closing of the store and for the 7-11 store at 405 E. Braddock Rd. Mr. Ladislaw requested that the Planning Commission approve the application without alcohol sales.

Mary Catherine Gibbs represented the application.



SUP #2005-0077

10/04/05



I. DISCUSSION

REQUEST

The applicant, Potomac Club Residences, LP requests special use permit approval for the operation of a convenience store located at 1201 Braddock Place.

SITE DESCRIPTION

The subject property is one lot of record with 247 feet of frontage on Braddock Place, 133 feet of depth and a total lot area of 32,698 square feet. The site is developed with a 183-unit hi-rise apartment building. Access to the property is from Braddock Place.

The surrounding area is occupied by a mix of office, residential, and light industrial uses. Immediately to the north is a hi-rise apartment building that is part of the same development. To the south is a hi-rise condominium building. To the east is an auto repair garage and to the west is an office building.



BACKGROUND

On June 12, 1999, City Council approved Development Special Use Permit #99-2004 for **Phase II** of Potomac Club Residences. Phase II approval included a convenience delicatessen, which the applicant has not yet constructed. The applicant now proposes to construct a convenience store located in the **Phase I** building. A convenience store was not part of the original approval of the Phase I building (approved May 14, 1988, SUP2104), requiring the applicant to obtain a separate Special Use Permit for the convenience store.

PROPOSAL

The subject convenience store will be located at the front of the building in the former location of the management office. As part of the construction of the convenience store, the applicant proposes to remove a window and replace it with a door (see hatched portion on above illustration), allowing access to the convenience store from the outside. Additionally, residents of the building will have access through a controlled interior entrance that is adjacent to the building's lobby.

Hours: The applicant proposes to operate from 6:00 a.m. to 10:00 p.m. daily.

Noise: Noise levels will be consistent with the previous use, which was the management office for the Phase I apartment building.

Trash/Litter: Staff anticipates that trash generated by the convenience store will be consistent with a small retail establishment, largely consisting of paper, cardboard and plastic. Trash collection will be part of the residential trash collection for the building. It is collected four days a week.

ABC License: The applicant proposes to have an off-premise sales license.

PARKING

According to Section 8-200(A)(16) of the Zoning Ordinance, a convenience store of less than 1,500 square feet requires one parking space for every 200 square feet. A convenience store with 550 square feet is required to provide three off-street parking spaces. As part of the Phase II development approval, parking was considered for the entire site as the parking for Phase I and II are shared. As stated earlier, the approval included a convenience delicatessen. The applicant has indicated that three parking spaces in the surface parking lot between the Phase I and Phase II buildings will be designated for the convenience store use. One space will be provided in the parking garage for employees of the convenience store.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCH/Office Commercial High zone. Section 4-1103(F) of the Zoning Ordinance allows a convenience store in the OCH zone only with a special use permit.

The proposed use is consistent with the Braddock Road Metro Station Small Area Plan chapter of the Master Plan which designates the property for Medium and High Density Commercial use.

II. STAFF ANALYSIS

Staff supports this convenience store use at this location. The original approval of Phase II of Potomac Club included a convenience delicatessen. Although the location has moved to the Phase I building, the convenience store is consistent with the original intent. The store will mainly serve the residents of the two apartment buildings as well as the neighboring office and residential complexes within the block surrounding Braddock Place. Staff anticipates that the majority of the traffic to the convenience store will be pedestrian traffic; however, the applicant is providing the required parking spaces and one employee space in the parking garage.

Regarding alcohol sales, staff supports the Police recommendation prohibiting single sales to prevent potential problems, such as littering and loitering. This recommendation is consistent with the Police policy to limit such sales throughout the City. Additionally, staff from Planning and Zoning and the Police Department met with the applicant to discuss alcohol sales at this location. Staff advised the applicant that there have been problems with alcohol sales in the past with other convenience stores in the area. In addition, there were concerns from citizens in the neighborhood

regarding alcohol sales and the ratio of alcohol sales to other types of sales. The applicant responded that if there were problems with alcohol sales that he would take action through the tenant lease to limit alcohol sales. He further explained that this is an accessory use and his main priority is to ensure the safety of his residential tenants and to have the ability to lease apartments at this location. Staff has also added a condition requiring an annual inspection for the first three years of operation, which will allow staff an additional period of time to review this special use permit for any problems associated with alcohol sales. The applicant has agreed to this condition.

With the following conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
3. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be permitted to accumulate on site outside of those containers. (P&Z)
4. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police)
5. The hours of operation of the convenience store shall be limited to 6:00 a.m. until 10:00 p.m. daily. (P&Z)
6. No seats or tables shall be provided for the use of patrons. (P&Z)
7. There shall be no outdoor storage or display of merchandise. (P&Z)

8. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
9. The applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way. A monetary contribution is to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street. Contact T&ES Solid Waste Division (703/751-5130) for information. (T&ES)
10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
11. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
13. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. This is to be completed prior to opening for business. (Police)
14. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
15. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)

16. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year and annually for two years thereafter, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
17. **CONDITION ADDED BY PLANNING COMMISSION: The convenience store shall be accessed from inside the building only. (PC)**

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Katrina Newton, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 No amplified sounds shall be audible at the property line.
- R-5 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way. A monetary contribution is to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.

Code Enforcement:

- F-1 The application does not detail if food preparation or seating is intended for this proposed operation. Should food preparation and / or seating be intended, additional requirements including Fire Prevention Permits and cooking ventilation will be required.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

- C-3 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-4 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 If "ABC Off" license is approved, we recommend the following conditions:
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

APPLICATION for
~~DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN~~

~~X~~ SUP # 2005-0027

PROJECT NAME: Meridian at Braddock Station Phase I

PROPERTY LOCATION: 1201 Braddock Place, Alexandria, VA

TAX MAP REFERENCE: 54.01.2.5 ZONE: OCH

APPLICANT: Name: Potomac Club Residences, LP

Address: 1415 North Taft Street, Ste 100, Arlington, VA 22201

PROPERTY OWNER: Name: Potomac Club Residences, LP

Address: 1415 North Taft Street, Ste 100, Arlington, VA 22201

SUMMARY OF PROPOSAL: Convert vacant 550 SF management office into
convenience store for residents

MODIFICATIONS REQUESTED: _____

SUP's REQUESTED:

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of Title 7, Chapter 5 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notices on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Michael D. Bushkoff
Print Name of Applicant or Agent


Signature

c/o Paradigm Development Company
Mailing Address

703-527-7500
Telephone Number

1415 N. Taft Street, Ste 100, Arlington, VA 22201
Mailing Address

June 30, 2005
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Fee Paid & Date: \$ _____
Legal Advertisement: _____

Received Plans for Completeness: _____
Received Plans for Preliminary: _____
Property Placard: _____

ACTION - PLANNING COMMISSION:

ACTION - CITY COUNCIL:

10

All Applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, auto oriented uses and freestanding signs requiring special use permit approval.

1. The Applicant is the (check one) Owner Contract Purchaser

Lessee or Other:

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation in which case identify each owner of more than ten percent.

| | |
|----------------------|---|
| 1% Managing Partner: | Paradigm Potomac Club Inc. 1415 North Taft Street, Suite 100, Arlington, VA 22201 |
| 49% | Partners of Paradigm Development Company 1415 North Taft Street, Suite 100, Arlington, VA 22201 |
| 50% | William C. Eacho, III & Family c/o Carlton Capital Group, LLC 1130 Connecticut Ave, NW, Suite 800, Washington, DC 20036 |

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license.

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

2. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary.)

In 1988, Potomac Club Residences, LP (PCRLP) received approval (SUP 2104) for a 183-unit, hi-rise apartment building which included approximately 550 SF to be used as a management office. In 1994, the SUP was amended to include a second residential phase with 297 units (SUP 2795). During the development of the Phase II project, a more efficient management office was designed in the Phase II building. Now that the Phase II building has opened, the management office for the properties has been relocated to the Phase II building and the original management office in the Phase I building has been closed.

PCRLP is proposing to convert the original management office into a 550 SF convenience store. The store would be occupied by a single tenant unrelated to the owner or landlord and operated for the benefit of the residents of Meridian at Braddock Station Phase I and II. The convenience store would have direct access to Braddock Place with the addition of an exterior entrance door added to the space (see enclosed plan). An extension of the existing sidewalk will be installed to the new entrance. This would permit customers from the surrounding neighborhood to access the convenience store. There will also be a second entrance from the inside of the building so that Meridian residents can access the retail space without having to go outside.

Based on the size of the proposed store, it is anticipated that there would be two to three employees working at the store, possibly in shifts. The store would be operated from approximately 6:00 a.m. to 10:00 p.m. Sunday to Saturday.

Parking for employees would be provided in the underground parking garage of the building. Since the store will primarily be used by residents of MBS, parking should not be needed. There are currently four parking spaces at the front of the building which were previously used for the management office that could be used by patrons and for loading purposes.

This type of retail space is not expected to generate noise greater than that created previously by the management office.

3. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).
We anticipate that the convenience store will primarily be used by residents of the Meridian at Braddock Station project. The store is anticipated to operate daily between 6:00 a.m. and 10:00 p.m. Other pedestrian traffic from neighboring office and residential uses may access the store during business hours.

4. How many employees, staff and other personnel do you expect?
Specify time period (i.e. day, hour, or shift).
We anticipate that the convenience store would have 2 to 3 employees to operate the store daily between 6:00 a.m. and 10:00 p.m.

5. Describe the proposed hours and days of operation of the proposed use:

| Day | Hours | Day | Hours |
|--------------------------|---------------------------|-----|-------|
| <u>Sunday - Saturday</u> | <u>6:00 am - 10:00 pm</u> | | |
| | | | |
| | | | |

6. Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.
Noise levels will not be greater than the original management office.

B. How will noise from patrons be controlled?
On site staff will control any unreasonable noise from patrons.

7. Describe any potential odors emanating from the proposed use and plans to control them:
It is not anticipated that the proposed use will create any additional odors.

8. Provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?
It is anticipated that the proposed use will generate typical convenience store trash.

B. How much trash and garbage will be generated by the use?

2005-00177

C. How often will trash be collected?

Trash will be collected as part of the residential property's trash. Trash pickup occurs four days a week (including recycling).

D. How will you prevent littering on the property, streets and nearby properties?

A trash receptacle will placed outside of the entrance to the convenience store

9. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

10. Will any organic compounds, for example, paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. What methods are proposed to ensure the safety of residents, employees and patrons?

Access control will be provided from the convenience store into the residential building.

ALCOHOL SALES

12. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

Alcohol sales will be off-premises sales and the tenant will obtain the ABC license.

PARKING AND ACCESS REQUIREMENTS

13. Provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

3

B. How many parking spaces of each type are provided for the proposed use:

3 Standard spaces (9 feet x 18.5 feet)

1 Compact spaces (8 feet x 16 feet)

___ Handicapped accessible spaces.

___ Other.

C. Where is required parking located? (check one) [X] on site [] off-site.

If the required parking will be located off-site, where will it be located?

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking with 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100(A)(4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

14. Provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? 0

B. How many loading spaces are available for the use? 1

C. Where are off-street loading facilities located? At the loading dock for the building or at the front entrance of the building.

D. During what hours of the day do you expect loading/unloading operations to occur? 9:00 a.m. to 6:00 p.m. Monday through Friday

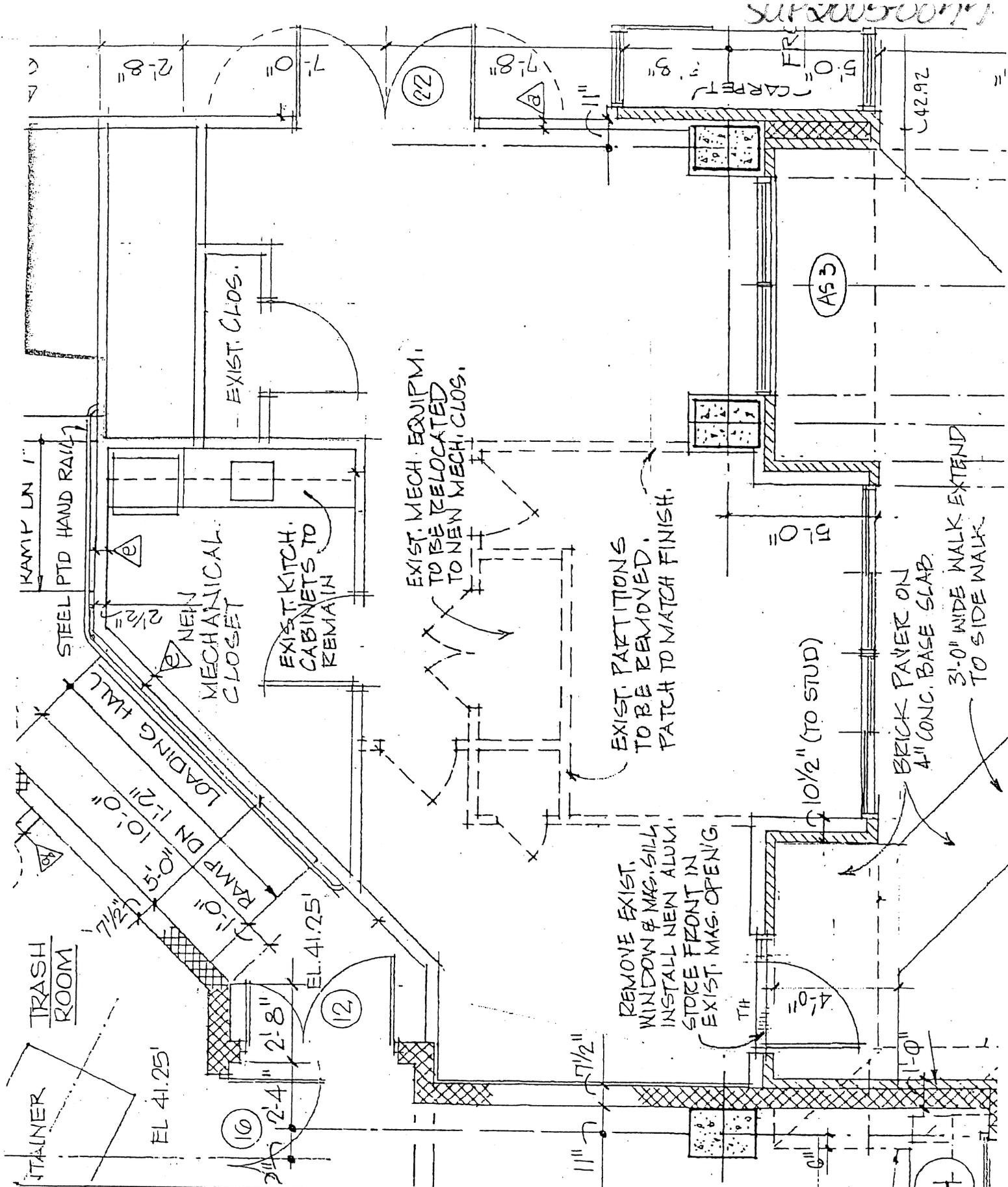
- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Loading / unloading is expected to occur once per day.

15. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access to the subject property is adequate and no street improvements are

necessary.



COLLINS & KRONSTADT - LEAHY, HOGAN, COLLINS, DRAPER, L.L.P.
 Architects • Planners
 1111 Spring Street • Silver Spring, Maryland 20910
 301-587-8642 • FAX 301-589-7285

POTOMAC CLUB I
 REV. TO EXISTING OFFICE
 DATE: 9.9.2002

ASD*
 1 of 1

DOCKET ITEM # 14



"Joel Kravetz"
<eeomole@hotmail.com>
10/04/2005 03:52 PM

To <katrina.newtson@alexandriava.gov>
cc
bcc
Subject Permit to Operate Convenience Store at Meridian

Katrina,

Thank you for letting me submit a comment via email, as I will be tied up since today is Rosh Hashana and baseball is on tonight.

As for the convenience store, as a resident here, I do not mind a convenience store in the neighborhood. My only concern is noise and security. It would be helpful to have adequate lighting and security cameras to deter loitering and noise. The residents of our building who face Braddock Place and the front of the store will likely be concerned that a store may attract loitering and noise outside the store. With adequate lighting (flood lights) and cameras, that should help prevent that from occurring.

In addition, I would hope any signage would be appropriate for the neighborhood and not too large or bright. Finally, I am pleased that the store will not be open 24 hours, and 6am to 10pm seems reasonable.

Thank you, again. I hope the meeting tonight is productive.

Sincerely,

Joel Kravetz
Braddock Place Unit 711
Alexandria, VA
(703) 549-6767



"Kenton Edelin"
<kseports@earthlink.net>

10/04/2005 02:19 PM

Please respond to
kseports@earthlink.net

To: katrina.newton@alexandriava.gov

cc: "Mark Adams" <manager@braddockplace.com>

bcc:

Subject: Comments Regarding Meridian Apartments Convenience Store Application

PC Docket Item #14
SUP 2005-0077

Dear Ms. Newton,

I am a 15-year resident of 1200 Braddock Place, Alexandria, VA 22314. I have several comments regarding the convenience store permit being requested by Meridian Apartments.

- The convenience store should not have an entrance on Braddock Place. If the residents of Meridian Apartments want to have a convenience store inside their apartment building, that is acceptable. An exterior entrance is not a good idea.
- It is unfair to the residents who live in Braddock Place Condominium to have a convenience store with an exterior entrance located on Braddock Place. Braddock Place ends in a cul-de-sac. This street configuration presents three problems: (1) there is no legal parking availability on Braddock Place for anyone who might drive to the store, (2) there will be an unwanted increase in foot and vehicular traffic on Braddock Place, and (3) any vehicular traffic coming onto Braddock Place to visit the store must pass 1200 Braddock Place twice (i.e., on the way in and on the way out).
- The proposed hours of operation are fine as long as the store only has an entrance inside the Meridian Apartments. An outside entrance which opens at 6:00 a.m. and closes at 10:00 p.m. is not acceptable. This could negatively impact the property values of Braddock Place Condominium owners since the anticipated increase in vehicular and foot traffic undoubtedly will be accompanied by an undesirable increase in noise.
- What time would the store receive deliveries? It would be discourteous and unfair to subject condominium owners and residents of Braddock Place to trucks making deliveries before 6:00 a.m. or after 10:00 p.m. since we live directly across the street. In my opinion, having deliveries made between 9:00 a.m. and 6:00 p.m. would be acceptable.
- The sale of alcohol to residents within the Meridian Apartments is acceptable. To have alcohol available for purchase on a residential street (i.e., Braddock Place) until 10:00 p.m. is not acceptable.

Please call me, w: (703) 683-3961, or reply to this e-mail, if you have any questions or comments. Thank you for your time and consideration.

Kenton S. Edelin, Esq.
kseports@earthlink.net

APPLICATION for
~~DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN~~
X SUP # 2005-0077

PROJECT NAME: Meridian at Braddock Station Phase I

PROPERTY LOCATION: 1201 Braddock Place, Alexandria, VA

TAX MAP REFERENCE: 54.01.2.5 ZONE: OCH

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THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Michael D. Bushkoff
Print Name of Applicant or Agent


Signature

c/o Paradigm Development Company
Mailing Address

703-527-7500
Telephone Number

1415 N. Taft Street, Ste 100, Arlington, VA 22201
Mailing Address

June 30, 2005
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Fee Paid & Date: \$ _____
Legal Advertisement: _____

Received Plans for Completeness: _____
Received Plans for Preliminary: _____
Property Placard: _____

ACTION - PLANNING COMMISSION: recommended approval with amendments 10/4/05 6-0

ACTION - CITY COUNCIL: 10/15/05- approved ¹⁰ the PC recommendation w/amendments 7-0
(see attachment)

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

9. Public Hearing To Obtain Citizens Input on the City's Proposed Fiscal Year 2007 Budget and Capital Improvement Program (CIP.)

City Council held the public hearing on the FY 2007 Budget and CIP and the following persons testified: Tim Lovain, Karen Epperson, Mary Riley, Danelle Fortune, Susan Johnson, Marla Howell, Donald E. Wallace, Sheryl Gorsuch, Judy Noritake, Joe Egerton, Molly Chrein, Christina Forbes, Wolfhard Ramm, Jim Singerling, Pat Troy, Charlie Collum, Joan Rennor, Rick Dorman, Peter Heimberg, Ellen Stanton, Marlin Lord, Winston Burse, Charniele Herring, Ed Hilz, Vicky Menjivar, Raul Luna, Jenel Kasper-Wolfe, Laurie MacNamara, Eva Liebress, Bernard Schulz, Ronnie Campbell, Carolyn Merck, Anne Marie Ardura, Kim Blake-Wilcox, Margaret Moore, Mariella Posey, Lillian J. White, Luisa Lancetti, Wendy Albert, Alberto Quiroga and Gordon Johnston.

Council Action: _____

10. Public Hearing on the Report on the Alexandria Community Partnership Fund For Human Services and Coordination With the Children's Fund and the Youth Fund and Recommended Community Partnership Fund Priorities for FY 2007. (#26, 10/11/05)

City Council held the public hearing on the Community Partnership Fund for Human Services.

Council Action: _____

11. Public Hearing on the Proposed City-owned Site on Wheeler Avenue for the Proposed New Police Department Headquarters Facility. (#16, 10/11/05)

City Council held the public hearing on the proposed new Police Department Headquarters Facility and noted that action will be docketed for October 25, 2005.

Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

12. SPECIAL USE PERMIT #2005-0077
1201 BRADDOCK PLACE
MERIDIAN AT BRADDOCK STATION
Public Hearing and Consideration of a request for a special use permit to operate a convenience store; zoned OCH/Office Commercial High. Applicant: Potomac Club Residences, LP by Michael D. Bushkoff

PLANNING COMMISSION ACTION: Recommend Approval w/amendments
6-0

City Council approved the Planning Commission recommendation, with an amended condition #17 to read as follows: The convenience store shall be accessed from inside the building only unless the applicant agrees in writing to prohibit the sale of alcohol from the store.

Council Action: _____

13. MASTER PLAN AMENDMENT #2005-0004
REZONING #2005-0006
800 AND 820 SLATERS LANE
DIAMOND-SLATERS LANE

Public Hearing and Consideration of a request for an amendment to the master plan and zoning map to change the land designation from CSL/Commercial Service Low to RC/Residential; zoned CSL/Commercial Service Low. Applicant: Diamond Slaters, LLC by Harry P. Hart, attorney

PLANNING COMMISSION ACTION: MPA #2005-0004 Recommend Approval 6-0

REZONING #2005-0006 Recommend Approval 6-0

City Council approved the Planning Commission recommendation for the amendment to the master plan to change the land use designation of the site, to accept the consideration of the request for an amendment to the rezoning map to change the land use designation of the site, and consideration of a request to construct a 28 unit condominium building, with an amendment to condition #27, as submitted by the applicant in the letter dated October 14, 2005.

Council Action: _____

12
10-15-05



"Mary Catherine H. Gibbs"
<mcg.hcgk@verizon.net>

10/12/2005 04:31 PM

Please respond to
"Mary Catherine H. Gibbs"
<mcg.hcgk@verizon.net>

<alexvamayor@aol.com>, "Del Pepper" <DELPepper@aol.com>,
To <councilmangaines@aol.com>, <council@krupicka.com>,
<MacdonaldCouncil@msn.com>, <PaulCSmedberg@aol.com>,
<jackie.henderson@alexandriava.gov>, "Mike Bushkoff"
cc <mdbushkoff@paradigmcos.com>,
<Katrina.Newtson@alexandriava.gov>

bcc

Subject Docket Item No. 12, SUP # 2005-0077

Mr. Mayor, Madam Vice-Mayor and Members of City Council,

I'm writing on behalf of the applicant, Paradigm Development Co., with regard to the above-referenced docket item for a convenience store at the Meridian at Braddock Station. In response to a concern with nuisance related crimes from off-premises alcohol sales at other convenience stores in the area, the applicant agreed at the Planning Commission hearing to limit the access to the proposed convenience store from the inside only. To further address that concern, but also to give the applicant a little flexibility in finding a tenant for the store, the Applicant would like to request that condition no. 17 be amended to read:

"The convenience store shall be accessed from inside the building only unless the applicant agrees in writing to prohibit the sale of alcohol from the store."

I have spoken with Staff in this regard, and Staff believes this is a reasonable request because the concern raised by the citizen at the Planning Commission was with the sale of alcohol at all. Planning Commission crafted a compromise to permit a limited sale of alcohol only from access within the building. The applicant is simply looking for flexibility if a vendor agrees to rent the space without selling alcohol, but would need outside sales to ensure the success of the business. In that respect, an outside entrance should be permitted as the concern of the community would be eliminated.

I'd be happy to answer any questions if you have them with regard to this amendment and the entire application.

Thank you in advance for your consideration,
Mary Catherine Gibbs

Hart, Calley, Gibbs & Karp, P.C.
307 N. Washington Street
Alexandria, VA 22314
(703) 836-5757 (phone)
(703) 548-5443 (fax)

NOTICE: Unless otherwise specified, the contents of this transmission are strictly confidential. They may involve privileged attorney-client communications or work product and are intended to be received by the recipient(s) specified above, and no one else. The receipt, appropriation, or use of the information transmitted above by anyone other than the designated recipient(s) is unintended and strictly forbidden. If this message reaches anyone other than the intended recipient(s), or his/her/their authorized representative(s), we request that you notify us of the error immediately at (703) 836-5757 and ask for instructions concerning its proper disposition.

SPEAKER'S FORM

DOCKET ITEM NO. 12

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. **NAME:** Mary Catherine Gibbs
- 2. **ADDRESS:** 307 N. Washington Street
TELEPHONE NO. 703-836-5757 **E-MAIL:** mcg.hcgk@verizon.net
- 3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
The Applicant
- 4. **WHAT IS YOUR POSITION ON THE ITEM?**
For
- 5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney
- 6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.